

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 9078**

October 27, 2021

**SUMMARY OF BILL:** Prevents a person, private business, state or local government official, entity, or agency from compelling proof of a COVID-19 vaccination by a person, including an employee or a consumer.

Prohibits a state or local government official, entity, department, or agency from requiring proof of COVID-19 vaccination to enter the premises of or utilize services provided by a state or local government entity, or mandating a private business to require such proof.

Prohibits an employer from taking adverse action or failing to hire an applicant based solely on the employee's COVID-19 vaccination status and documentation. Requires an employer that is mandated by federal law or executive order to require employees provide documentation of a COVID-19 vaccination provide an exemption process for employees including: a negative test result no more than once a week, or proof of immunity by antibodies or positive test result no more than once every six months.

**ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- The U.S. Supreme Court issued a ruling in February 20, 1905, *Jacobson v. Massachusetts*, upholding the right of states to compel vaccination.
- Each state decides which vaccines are required based on recommendations from the Centers for Disease Control and Prevention Advisory Committee on Immunization Practices (ACIP).
- Immunization or vaccination for COVID-19 is currently not required by any state or local governmental entity in Tennessee. Prohibiting any such future requirement will not result in a significant fiscal impact to the state or local government.
- The proposed legislation will not significantly impact any programs or policies of state or local governments or caseloads in the court system; therefore, any fiscal impact is estimated to be not significant.
- If the proposed legislation prohibits a state or local entity or private business from following any future federal vaccination mandate, federal funding could be jeopardized.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The script is cursive and fluid, with the first letters of each name being capitalized and prominent.

Krista Lee Carsner, Executive Director

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